

RESOURCES AGENCY
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 7176

PERMIT 3887

LICENSE 1481

ORDER ALLOWING CHANGE IN POINT OF DIVERSION,
CHANGE IN PLACE OF USE AND CHANGE IN CHARACTER
OF USE

WHEREAS License 1481 was issued to Harold H. Wonacott and was filed with the County Recorder of Mendocino County on August 4, 1934, and

WHEREAS said license was subsequently assigned to Ernest and Miriam Schoefer, and

WHEREAS the State Water Rights Board has found that the change in points of diversion, change in place of use and change in character of use under said license for which petitions were submitted on January 22, 1964, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said points of diversion, place of use and character of use in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said License 1481 to points of diversion described as follows, to wit:

- (1) SOUTH ELEVEN DEGREES EAST ($S11^{\circ}E$) FOUR THOUSAND FOUR HUNDRED (4400) FEET FROM NW CORNER OF SECTION 19, T18N, R17W, MDB&M, BEING WITHIN THE $SW\frac{1}{4}$ OF $SW\frac{1}{4}$ OF SAID SECTION 19.
- (2) SOUTH EIGHTEEN DEGREES WEST ($S18^{\circ}W$) THREE THOUSAND FIVE HUNDRED SIXTY-SIX (3566) FEET FROM NE CORNER OF SECTION 24, T18N, R18W, MDB&M, BEING WITHIN THE $NE\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SAID SECTION 24.

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STATE OF CALIFORNIA
RESOURCES AGENCY
STATE WATER RIGHTS BOARD
ORDER

LOCATION 7176

PERMIT 3887

LICENSE 1481

(3) A MOVABLE POINT OF DIVERSION BETWEEN LIMITS AS FOLLOWS:

(a) SOUTH EIGHTEEN DEGREES WEST (S18°W) THREE THOUSAND FIVE HUNDRED SIXTY-SIX (3566) FEET FROM NE CORNER OF SECTION 24, T18N, R18W, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 24.

(b) SOUTH FORTY-THREE DEGREES WEST (S43°W) THREE THOUSAND FIVE HUNDRED (3500) FEET FROM NE CORNER OF SECTION 24, T18N, R18W, MDB&M, BEING WITHIN THE NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 24

LICENSED AMOUNT OF 1.26 CUBIC FEET PER SECOND CAN BE DIVERTED FROM ANY OR ALL POINTS OF DIVERSION, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 1481 to place of use described as follows;

wit:

6 ACRES WITHIN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 24, T18N, R18W, MDB&M.
20 ACRES WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 24, T18N, R18W, MDB&M.
10 ACRES WITHIN NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 24, T18N, R18W, MDB&M.
7 ACRES WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 24, T18N, R18W, MDB&M.
43 ACRES TOTAL, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the character of use under said License 1481 to character of use as follows,

wit:

(I) IRRIGATION, INDUSTRIAL, FISH CULTURE AND RECREATIONAL

(S) WITNESS my hand and the seal of the State Water Rights Board of the State of California this 26 th day of March, 1965



L. K. Hill
L. K. Hill
Executive Officer

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
ORDER

APPLICATION 7176

PERMIT 3887

LICENSE 1481

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Licensee having established to the satisfaction of the State Engineer that the change in point of diversion under Application 7176, Permit 3887, License 1481 for which petition was submitted on October 15, 1947, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 7176, Permit 3887, License 1481 to points of diversion described as follows, to-wit:

(1) SOUTH EIGHTEEN DEGREES NO MINUTES WEST (S 18° 0' W) THIRTY FIVE HUNDRED SIXTY SIX (3566) FEET FROM THE NE CORNER OF SECTION 24, T 18 N, R 18 W, M.D.B. & M. BEING WITHIN THE NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 24.

(2) SOUTH FIFTEEN DEGREES NO MINUTES EAST (S 15° 0' E) FORTY ONE HUNDRED TEN (4110) FEET FROM THE NE CORNER OF SECTION 24, T 18 N, R 18 W, M.D.B. & M. BEING WITHIN THE SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 19, T 18 N, R 17 W, M. D. B. & M.

WITNESS my hand and the seal of the Department of Public

Works of the State of California this 15th day of May, 1948.


Edward Hyatt, State Engineer





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1491

PERMIT 3887

APPLICATION 7176

THIS IS TO CERTIFY, That **Harold H. Wonnacott of Fort Bragg, California,** Notice of Assignment (Over)

of Water Resources of California of a right to the use of the waters of **Digger Creek in Mendocino County** ^{has made proof to the satisfaction of the Division}

tributary of **Pacific Ocean**

for the purpose of **Industrial (trout raising) uses**

under Permit **3887** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **January 18, 1932;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited: to the amount actually beneficially used for said purposes and shall not exceed **from Diversion Point (1) seventy-seven hundredths (0.77) cubic feet per second and from Diversion Point (2) forty-nine hundredths (0.49) cubic feet per second or a total of one and twenty-six hundredths (1.26) cubic feet per second from January 1st to December 31st of each season.**

^{Approved by J. W. 5-15-48}
The point of diversion of such water ^{are} located (1) South eighteen degrees West (S. 18° W.) three thousand five hundred sixty-six (3566) feet from the northeast corner of Section 24, T 18 N, R 18 W, M.D.B.A.M. and being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 24. (2) South fifteen degrees East (S. 15° E.) four thousand one hundred (4100) feet from the northeast corner of Section 24, T 18 N, R 18 W, M.D.B.A.M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T 18 N, R 17 W, M.D.B.A.M.

A description of the lands or the place where such water is put to beneficial use is as follows:

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, T 18 N, R 18 W, M.D.B.A.M.

Water is returned to Digger Creek within the **NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, T 18 N, R 18 W, M.D.B.A.M.**

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this twentieth
day of July, 19 34.

EDWARD HYATT

State Engineer

By Harold Conkling
Deputy

7/10/60 Name changed to Est. of
Harold H. Wonacott

2/21/63 RECEIVED NOTICE OF ASSIGNMENT TO Ernest Schofer and Miriam Schofer

2/14/67 - Name of Gilbert Roland Schofer added

3.26.79 Asse to Winfield + Elizabeth Shremaker;
Terry + Jay Hudson; Jim + Barbara Hurst

4-25-86 Ownership chgd to Garden Land Partners, A General
Partnership + Mendocino Coast Recreation + Park District

5/21/11 Wonacott Mendocino Coast Rec & Park District

LICENSE 1481

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Harold H. Wonacott

DATED July 20, 1934

3086 5-33 1M CALIFORNIA STATE PRINTING OFFICE

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